

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD S. MILLER,

Plaintiff,

v.

EL DORADO COUNTY JAIL,

Defendant.

No. 2:23-cv-00666-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 34)

Plaintiff Ronald S. Miller is a former county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 27, 2025, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to state a claim. (Doc. No. 34.) Specifically, the magistrate judge noted that on August 7, 2023, the court screened plaintiff's complaint and dismissed it for failure to state a claim and also granted plaintiff thirty days in which to file an amended complaint to attempt to cure the noted pleading deficiencies. (*Id.* at 1; Doc. No. 24 at 7.) When plaintiff failed to file an amended complaint within the time provided, the court dismissed the action and entered judgment. (Doc. Nos. 27, 28.) On May 31, 2024, plaintiff sought relief from the dismissal on the grounds of excusable neglect, which the court granted on December 3, 2024. (Doc. Nos. 30, 32, 33.) The court again

1 provided plaintiff thirty days in which to file his amended complaint. (Doc. No. 33.) In the
2 pending findings and recommendations, the magistrate judge observed that plaintiff has again
3 failed to file an amended complaint within the time provided, and that it appears that plaintiff “is
4 unable or unwilling to cure the defects in the complaint.” (Doc. No. 34 at 2.)

5 The pending findings and recommendations were served on plaintiff and contained notice
6 that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 34
7 at 2.) To date, no objections have been filed, and the time in which to do so has passed.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
10 pending findings and recommendations are supported by the record and proper analysis.

11 Accordingly,

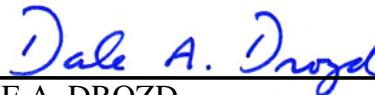
12 1. The findings and recommendations issued on January 27, 2025 (Doc. No. 34) are
13 hereby ADOPTED;

14 2. This action is DISMISSED without prejudice for failure to state a claim; and

15 3. The Clerk of the Court is directed to CLOSE this case.

16 IT IS SO ORDERED.

17 Dated: May 8, 2025


18 DALE A. DROZD
19 UNITED STATES DISTRICT JUDGE

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